REMARKS

The undersigned Attorney for the Assignee presents these amendments in response to the Office Action mailed June 29, 2005. Claims 35, 36, 38, 41- 44, and 55-60 are pending in the present application. The Office Action rejected claims 35, 36, 38 and 41-44. By the present amendment, claim 38 has been amended, claims 45-54 have been withdrawn, and claims 55-60 have been added. The present application now has 13 total claims with 2 independent claims, and no additional fees are believed to be due. The rejections of the Office Action are traversed for the reasons provided below. The undersigned Attorney for the Assignee respectfully requests reexamination and reconsideration of the application as amended, and further requests an allowance of the pending claims.

Newly Added Claims 55-60

The prior Office Action indicated that claim 38 would be allowable if amended to include all of the elements of the base claim and any intervening claims.

By the present amendment, claims 55-60 have been added. Newly added independent claim 55 incorporates all of the elements of claim 38 and its base independent claim 35. Claim 55 should be in condition for allowance.

Claims 56-60 are dependent from independent claim 55. If independent claim 55 is in condition for allowance, then claims 56-60 should also be in condition for allowance.

The Withdrawal of Claims 45-54

Claims 45-54 were withdrawn from consideration by the Office Action.

The Rejection of Claim 38

Claim 38 was rejected under 35 U.S.C. § 112, second paragraph, as being incomplete because it depended on a cancelled claim. Claim 38 has been amended to depend from previously presented independent claim 35. This rejection is believed to be traversed.

The Obviousness Rejection of Claims 35, 36, and 41- 44

Claims 35, 36, 41, 42 and 44 were rejected under 35 U.S.C. § 103(a) as unpatentable over WO 99/61209 to Landy ("*Landy*") in view of US Patent No. 301,940 to Wall ("*Wall*"). Assignee respectfully traverses this argument, and requests reconsideration and withdrawal of the rejection.

In order to establish a prima facie case of obviousness, there must be some suggestion or motivation to modify the reference or to combine reference teachings. *See* MPEP §2143. If a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 902 (Fed. Cir. 1984). The suggested combination of *Landy* and *Wall* would render the device in *Landy* unsatisfactory for its intended purpose, and therefore there is no suggestion or motivation to make the proposed modification.

Landy relates to a combination cam buckle and ratchet tensioning assembly. *Landy* is a rather complex tensioning device with several springs, a ratchet buckle, and a pawl. The pawl of *Landy* pivots on a pin when an operator exerts a downward pressure on an extension arm. *See* p. 11, lines 25-27. The pawl then pivots about the pin against the force of a torsion spring acting between the pressure plate or platform and pawl ledge. *See* p. 11, lines 27-29. The spring maintains the pawl positioned so as to grip a strap between two friction surfaces. *See* p. 12, lines 3-5. *Wall* relates to a belt tightener device with respective slots, and a cam lever and bolt assembly which fits between the slots. The cam lever and bolt assembly includes a set of plates that fits between the slots, and forces the plates together to hold a belt. *See* p. 1, lines 26-65.

The Office Action states that the cam lever in *Wall* "provides a positive lock beyond that which would be capable from a spring." Office Action, page 3. The Office Action suggests that it would be "beneficial of the clamp in Landry, to exchange the spring with a cam in view of Wall teaching that it is desirable to secure clamping arms together by a cam."

Office Action, pages 3-4. This proposed modification, however, would render the *Landy* device unsatisfactory for its intended purpose.

The spring 310 in the *Landy* device serves several functions that could be lost, or otherwise rendered useless, if a cam lever and bolt assembly as in *Wall* were substituted. First, *Landy* discloses that the selection and configuration of the spring 310 "may be selected to provide a desired degree of holding power to accommodate a desired application" of the *Landy* device. *See* page 12, lines 6-9. In addition, the spring 310 in the *Landy* device allows the pawl 158 to accommodate straps of varying thicknesses. For relatively thin straps, the cam portion 302 of pawl 158 can rotate further under the influence of spring 310. *See* page 12, lines 14-16. Thus *Landy* discloses the functions of providing varying degrees of holding power and adapting to straps of varying thickness. If a positive lock or cam-lever as in *Wall* were substituted for the spring 301 and pawl 158 in *Landy*, then these functions could be rendered unsatisfactory or useless. Accordingly, there is no suggestion or motivation to make the proposed modification, and the Office Action has failed to establish a *prima facie* case of obviousness. Therefore, the combination of *Landy* and *Wall* does not suggest the claimed invention of at least independent claim 35, and this claim should be allowable over the cited references.

Claims 36, 41, 42, and 44 ultimately depend from claim 35 for which arguments of patentability have been presented above. Therefore, if claim 35 is found to be allowable over the cited reference, then dependent claims 36, 41, 42, and 44 should also be in condition for allowance.

Dependent claim 43 was rejected under 35 U.S.C. § 103(a) as unpatentable over Landy WO 99/61209 ("*Landy*") in view of Wall U.S. Patent No. 301,940 ("*Wall*") and Royball U.S. Patent No. 4,913,608 ("*Royball*"). For at least the reasons provided above, the teachings of *Landy* cannot be combined with *Wall*. Therefore, claim 43 should also be allowable over these references, and also be in condition for allowance.